

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re :
HANS FUTTERMAN, : 24 Civ. 5427 (KPF)
Debtor. : Case No. 17-12899 (MEW)
: ORDER
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KATHERINE POLK FAILLA, District Judge:

On July 17, 2024, the above-captioned bankruptcy appeal was assigned to this Court for all purposes. The appeal was docketed in the United States District Court for the Southern District of New York. (Dkt. #1).

On July 18, 2024, the Court entered a Bankruptcy Appeal Scheduling Order. (Dkt. #3). This Order required: (i) that, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, within 14 days after filing the notice of appeal, the appellant file “a designation of the items to be included in the record on appeal and a statement of the issues to be presented”; (ii) that, pursuant to Rule 8009, within 14 days after the service of the appellant’s statement, the appellee file and serve on the appellant a designation of additional items to be included in the record on appeal; (iii) that, pursuant to Rules 8014 through 8018, the appellant serve and file a brief within 30 days after the docketing of notice that the record has been transmitted or is available electronically; (iv) that the appellee serve and file a brief within 30 days after service of the appellant’s brief; (v) and that the appellant serve and file a reply brief within 14 days after service of the appellee’s brief, provided that the reply brief is filed at least 7 days before scheduled argument absent leave from the Court. (*Id.*).

Additionally, the Court emphasized that “THE FAILURE TO COMPLY WITH THIS ORDER AND/OR THE TIME LIMITS IN RULES 8002, 8009, OR 8018 WILL RESULT IN DISMISSAL OF THE APPEAL (IN THE CASE OF APPELLANT) OR CONSIDERATION OF THE APPEAL WITHOUT AN APPELLEE’S BRIEF (IN THE CASE OF THE APPELLEE).”

Neither the appellant nor the appellee has filed anything in this action since the Court entered its Bankruptcy Appeal Scheduling Order on July 18, 2024. Having failed to comply with the Bankruptcy Appeal Scheduling Order and the time limits in Rules 8002, 8009, and 8018, the appeal is hereby DISMISSED. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: February 24, 2025
New York, New York



KATHERINE POLK FAILLA
United States District Judge